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6 IN THE UNITED STATES DISTRICT COURT
7 DISTRICT OF ARIZONA

8
9 United States of America,

08-3374-M (LOA)

10 Plaintiff,

ORDER

11 vs.

12 Gonzalo Calderon-Acuna,

13 Defendant.

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15 Upon review of Defendant's Motion to Extend Time to Indict, there being no
16 objection from the government, and good cause appearing;

17 THE COURT makes the following findings:

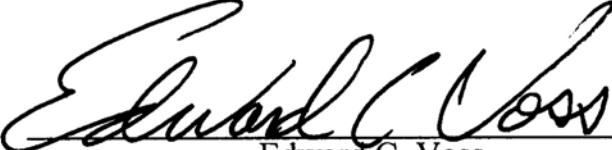
- 18 1. Counsel for defendant has only recently been appointed;
- 19 2. The defendant earnestly wishes to consider the plea offer extended by
20 the government;
- 21 3. The defendant wishes to investigate possible defenses prior to
22 considering the government's plea offer;
- 23 4. The government's plea offer, if accepted by the defendant and then the
24 court, would likely reduce defendant's exposure to a significant term
of imprisonment;
- 25 5. If the defendant does not timely accept the plea offer prior to
26 indictment, the government will withdraw said plea offer and any
27 subsequent plea offer after indictment would likely be less
advantageous to the defendant;
- 28

- 1 6. Failure to extend time for indictment in this instance would thus operate
2 to bar defendant from reviewing the government's plea offer in a
3 meaningful way prior to indictment; and
4 7. The ends of justice served by this continuance outweigh the best
5 interest of the public and the defendant in a speedy indictment.

6 IT IS HEREBY ORDERED that defendant's Motion to Extend Time to Indict,
7 in Case No. 08-3374-M, requesting an extension of thirty (30) days within which the
8 government may seek to indict defendant, is hereby granted.

9 IT IS FURTHER ORDERED that excludable time shall begin to run on the 31st
10 day after arrest for a period of thirty (30) days in which the government may present the case
11 to the grand jury.

12 DATED this 27th day of August, 2008.

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17 Edward C. Voss
18 United States Magistrate Judge